



Business and Professional People For the Public Interest

1 August 1974

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Director of
Environmental Research

Colonel James M. Miller
District Engineer, Chicago District
U.S. Army Corps of Engineers
219 South Dearborn Street
Chicago, Illinois 60604

RE: NCCOD-P 4427402

U.S. Steel South Works, Chicago, IL

Dear Colonel Miller:

1. Once again, as in the previous case of NCCOD-P 4477305, your public notice fails to comply with your regulations as set forth in 33 CFR 209.120(j)(1)(vii) in that the key information needed to assess the likely impact of the proposed activity on factors affecting the public interest, including environmental values, are not included in the public notice. To wit, you have failed to include any data on the contents, composition, particle size, etc. of the bottom sediments to be dredged. Therefore, it is impossible to make meaningful comments on what the environmental impact on Lake Michigan and the drinking water of surrounding communities will be. These data should be obtained from the applicant and the matter re-noticed in a manner that complies with the above-referenced regulation.

2. Your determination that no environmental impact statement is needed is arbitrary, capricious and contrary to law. Your determination of 19 June 1974 is a paradigm example of a logical non sequitur: after outlining all of the potential consequences of the proposed activity that would harm water quality, flora and fauna, and the health and safety of the public, you conclude that "an environmental impact statement would be of little value in the review of this application." The only possible reasonable interpretation we can give the latter statement is that if an environmental impact statement were in fact to be prepared you would ignore its recommendations — and based on our previous experience with the Chicago District office under your regime, we do not find that difficult to believe. But the self-explanatory nature of an illegal act does not make it legal. We demand that you prepare an environmental impact statement for this proposed activity, including a complete exposition of the full range of alternatives.

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3. We note that Mr. Jones' letter of 28 June 1974 to U.S. Steel setting forth the requirements for bottom sediment analyses comes nine days after your determination that no environmental impact statement is needed. Likewise, the request comes only four days before the public notice was issued. The chronology makes it obvious that you intend to rush to judgment on this application without making the environmental review required by the National Environmental Policy Act and your own regulations. Since the only economic benefit to the proposed activity accrues to the applicant and not to the public, we think this haste on your part is unseemly and illegal.


4. The applicant's proposed activities flout the permit conditions established by the State of Indiana in its letter of 19 February, 1974 in at least the following respects:

- A. The State requires use of a hydraulic cutterhead; the applicant intends to use a clamshell;
- B. The State specified use of water tight barges; your environmental impact determination assumes that dump scows will be used and will leak;
- C. The State specified that the off-loading in Gary be done at the west end of the disposal site; the Applicant plans to do it close to the east end of the disposal site where the exit spillway is located.

Your willingness to go along with the applicant's proposed intention to ignore the State requirements does not give us confidence that your performance will be any better when it comes to enforcing applicable State and Federal water quality standards during the proposed activity.

5. We request that a public hearing be held on the above matter. We make this request on behalf of our members in Chicago, Illinois, whose use of the beaches near the South Works will be affected by the proposed activity, and whose drinking water will be contaminated. We also make the request on behalf of our members residing in Gary and Miller, Indiana, who use Lake Michigan as a source of drinking water and recreational activities such as swimming and fishing, and whose interests will be affected by the disposal of the dredgings in the Gary area. As requested in my letter to you of 24 July 1974, we ask that a joint hearing be held on both NCCOD-P 4427402 and NNCOD-P 4477305, for all of the reasons set forth in that letter.

Sincerely yours,



David Dinsmore Comey
Director of Environmental Research